

REMARKS

Claims 1-12 are pending.

Claims 1-12 stand rejected under 35 USC 103(a) over Namikawa, (U.S. Patent No. 6,094,698), in view of Tanimoto (Japanese Laid-Open Publication No. 10/213997) and Oizumi, (U.S. Patent No. 5,588,012). This rejection is respectfully traversed.

Applicants previously asserted that claims 1 and 7 recite that the transfer state indicates whether or not a control program is currently being transferred. In the current Action, the Examiner admits that Namikawa does not disclosing storing an indication of whether or not the control program is being transferred, but asserts that Namikawa does disclose whether a device is awaiting the transfer of a control program and indicates when the transfer is complete. The Examiner also asserts that Tanimoto discloses that the power supply to a device is controlled in response to a program change or version upgrade, so it would have been obvious to store an indication of whether or not the control program is being transferred to allow a power supply control device to control the power to a device based on the transfer state. Applicants respectfully submit that even if these references teach that which the Examiner asserts, their combination still fails to teach or suggest each feature of the recited claims. In other words, neither of these references actually teaches indicating whether or not a control program is currently being transferred. Determining whether a device is awaiting a transfer and whether the transfer is complete is not the same as determining whether the transfer is *currently* taking place. Determining whether the device is awaiting transfer happens before the transfer. Determining whether the transfer is complete happens after the transfer. Both references are silent with regard to what actually happens *during* the transfer.

The Examiner relies on Oizumi as disclosing indicating whether or not the control program is being transferred (citing col. 5, line 46 to col. 6, line 13). However, Oizumi merely states that a transfer state register 80b stores a transfer state. Oizumi does not actually disclose that this transfer state indicates whether or not a control program is currently being transferred. Without a specific disclosure of what the transfer state actually refers to in Oizumi, one cannot assume that this transfer state indicates whether or not a control program is currently being transferred. In fact,

Oizumi actually discloses that a content indicating that the data transfer is completed is set in the transfer state register 80b (col. 7, lines 27-30). In other words, the transfer state in Oizumi indicates the same thing that the transfer state in Namikawa indicates, and as admitted by the Examiner, this is not what is claimed.

Thus, the combination of Namikawa, Tanimoto and Oizumi fails to teach or suggest the features of claims 1 or 7.

The remaining claims are allowable at least due to their respective dependencies.
Applicants request that this rejection be withdrawn.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 3257720225.

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Respectfully submitted,

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